

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE**

UNITED STATES OF AMERICA,)
)
v.) No. 3:16-CR-20
) (Collier/Guyton)
MARK HAZELWOOD,)
)
DEFENDANT.)

MARK HAZELWOOD'S REVISED MOTION FOR BAIL MODIFICATION

Defendant, Mark Hazelwood, (“Mr. Hazelwood”) respectfully moves this Court to modify his bail conditions to permit him to visit his daughter’s mausoleum on December 24, 2019 and church services on December 25, 2019 and submits this revision to motion Doc 909.

I. BRIEF FACTUAL BACKGROUND

As the Court is aware, Mr. Hazelwood’s daughter, Jessie, was involved in an automobile accident on September 2, 2013, that took her life two days later. Frequently, before being placed on home incarceration, Mr. Hazelwood visited his daughter’s Mausoleum at Highland Memorial Cemetery off of Sutherland Drive in Knoxville. Since he was placed on home incarceration, Mr. Hazelwood has visited his daughter’s mausoleum with the Court’s permission and without incident on September 4, 2018, February 3, 2019 and September 4, 2019. Mr. Hazelwood seeks the Court’s permission to visit her grave on Christmas Eve.

Additionally, Mr. Hazelwood attended Easter church services on April 21, 2019 with the Court’s permission and without incident on April 21, 2019. Mr. Hazelwood requests permission to travel to church again for Christmas service in celebration of his faith.

II. BAIL MODIFICATION REQUEST

Subsection 7(p)(iii) of the Order Setting Conditions of Release (Doc. 491) places Mr. Hazelwood on “24-hour-a-day lock-down at [his] residence except for medical necessities and

court appearances or other activates specifically approved by the Court.” *Id.* The Court “may at any time amend the order,” imposing conditions of release. 18 U.S.C. 3142(c)(3).

A. Request to Visit Daughters Grave

Based on the Court’s authority to amend the conditions of release and the mandate of the Court’s Order setting Conditions of Release, we respectfully request that Mr. Hazelwood be permitted to visit his daughter’s mausoleum on Christmas Eve, December 24, 2019, from 12-3pm. Mr. Hazelwood will notify his pretrial services officer of the time he intends to leave and return home for approval and will report his arrival at the cemetery and departure from the cemetery by email. He will be accompanied by his third- party custodian.

Previously, Mr. Hazelwood has been permitted to leave his home for multiple reasons and has visited the mausoleum without incident subject to the same terms requested here.

B. Request to Attend Christmas Services

Mr. Hazelwood is a devout Christian, and we respectfully request that Mr. Hazelwood be permitted to attend church Christmas morning for the 11am service. He will coordinate his departure and arrival times with Pretrial services, keeping them updated throughout as is his practice when leaving his home.

Counsel for the government was consulted and advised that based on Docs. 652, 845, 894 (Orders authorizing cemetery visits) and Doc. 865 (Order authorizing attendance at Easter church services), the government does not object and defers to the discretion of the Court and the United States Probation Office. I have also spoken to Pretrial Services who defers to the Court.

CONCLUSION

Wherefore, we request this Court permit Mr. Hazelwood to leave his home on December 24, 2019, to visit his daughter’s mausoleum at Highlands Memorial Cemetery and on December 25, 2019, to attend church services on Christmas day.

DATED: Knoxville, Tennessee
December 16, 2019

Respectfully submitted,

s/ Bradley L. Henry
Bradley L. Henry (TN Bar No. 025447)
Breeding Henry Baysan PC
900 S. Gay St.
Suite 1950
Knoxville, TN 37902
(865) 670-8535
bhenry@bhblegal.com

s/ Jim Walden
Walden Macht & Haran
One Battery Park Plaza
New York, New York 10004
(212) 335-2031
jwalden@wmhllaw.com

CERTIFICATE OF SERVICE

I hereby certify that, on December 16, 2019, a true and correct copy of the foregoing document was filed on CM/ECF with the U.S. District Court for the Eastern District of Tennessee. Notice of this filing was served on all CM/ECF parties.

/s/ Bradley L. Henry